

Serial No. : 07/577,741
Filed : September 4, 1990

REMARKS

Interview

Applicant would like to thank Examiner Taylor for the courteous interview extended to his attorney, William B. Bunker, on November 18, 1991. As a result of the Examiner's helpful comments in the interview, and the above-mentioned Office Action, the specification and claims of the above-captioned application have been carefully reviewed and amended.

In particular, a substitute specification is being submitted as discussed with the Examiner at the interview. In addition, new claims are being added which are substantially identical to the Proposed Claims discussed with the Examiner at the interview. It should also be noted that the prior art of record was discussed with the Examiner at the interview. However, by oversight, the space labeled "Identification of Prior Art Discussed" on the Examiner Interview Summary Record form was not filled in. This was merely an oversight since the same space was completed by the Examiner with respect to two other of Applicant's copending applications discussed with the Examiner at the same interview. Therefore, Applicant respectfully requests that the Interview Summary Record form be amended to reflect the fact that such art was discussed.

Entry of these amendments and reconsideration of this application in light of the amendments and following remarks are respectfully requested.

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Office Action

In the Office Action, Claims 1-28 stand rejected on the basis of certain defects in the specification pursuant to 35 U.S.C. § 112, first paragraph. In particular, the Examiner stated that the Applicant's specification is unduly lengthy and should be shortened by canceling the unnecessary discussions of detail which are not pertinent or critical to the understanding of the invention. The Examiner also stated that page 27 of the specification as filed is missing, and that other miscellaneous problems relating to the brief description of the drawings, the drawings, and the reference numerals in the drawings exist. In the Office Action, the Examiner also objected to the drawings in that Figures 1-10 seem to have been omitted.

Also in the Office Action the Examiner indicated that Claims 1-28 would be allowable if the specification on which they are based was amended to correct the defects mentioned above.

Substitute Specification

As requested by the Examiner at the interview, a shorter substitute specification is being provided in lieu of the specification originally filed. The substitution of the specification is being submitted pursuant to 37 C.F.R. § 1.125 which states that a substitute specification may be accepted when it is required by the Examiner or when it is clear to the Examiner that acceptance of a substitute specification would facilitate processing of the application.

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At the interview, the Examiner did not indicate that the specification was defective (other than those minor informalities specifically mentioned in the Office Action), but rather that it was merely too lengthy. Applicant notes that the original specification contained approximately five pages of background, approximately 11 pages of discussion of the prior art, approximately five pages of summary of the invention and approximately 20 pages of detailed description of the invention. Accordingly, in order to shorten the specification proportionately, the enclosed substitute specification provides approximately four pages of background, approximately three pages of discussion of the prior art and approximately five pages of summary. The detailed description of the invention was left substantially intact. Accordingly, Applicant respectfully submits that the substitute specification overcomes the rejection under Section 112.

Moreover, with regard to the objection by the Examiner of the drawings, Applicant respectfully submits that no drawing Figures 1-10 ever existed and that the original drawings submitted with the application began with Figure 11. This is clear from the detailed description of the specification which begins with a description of Figure 11.

Accordingly, as noted in the substitute specification, the drawing figures have been renumbered such that Figure 11 is now Figure 1, Figure 12 is Figure 2, and so on. New drawings

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indicating these corrected figure numbers will be submitted shortly.

Moreover, pursuant to the Examiner's request and in accordance with M.P.E.P. § 714.20, a copy of the original specification with all corrections, including additions indicated by underlining and deletions indicated by cross-outs, is provided. In order to comply with this requirement, Applicant's attorneys have input the original specification into a computerized word processing system and entered the requested changes on that copy. This word processing system generates a so-called "redlined" copy, indicating deletions by means of dashes through the text and indicating additions by means of shading. Thus, Applicant submits that the enclosed computer-generated and corrected copy of the original specification be accepted in lieu of a hand-corrected copy of such specification. It should be noted that the enclosed substitute specification is a "clean" copy of the computer-generated corrected copy. Moreover, in submitting the substitute specification, Applicant has not varied or limited the scope of the invention, and any reliance necessary to comply with the requirements of 35 U.S.C. § 112 should be made to the original specification.

The Applicant verifies that the substitute specification submitted in the Amendment includes the same changes that are indicated in the computer-generated corrected version of the original specification. Pursuant to 37 C.F.R. § 1.125, Applicant also respectfully submits that no new matter has been included in

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the Amendment as a result of the changes made to shorten the specification as requested by the Examiner.

With respect to the missing page 27, the Examiner stated in the interview that it would be acceptable to simply insert the missing page, which was inadvertently left out of the original specification when filed. A copy of the original page 27, along with pages 26 and 28, are attached for the Examiner's review. These pages show the existence of continuity and show that the missing page was intended to be in the specification at the time the application was originally filed. Applicant respectfully requests the Examiner to accept the missing page as part of the original specification.

In further support of Applicant inserting missing page 27, Applicant informs the Examiner that the missing page contains subject matter generally disclosed in the remainder of the specification (see, for example, pages 26, 30, and 32, as well as Applicant's parent Patent No. 4,954,014), and, therefore, does not contain new matter.

Allowed Claims and New Claims

Moreover, minor changes have been made to the original twenty-eight (28) claims to place them in condition for allowance. The changes are generally not substantive, but rather are organizational, grammatical and stylistic in nature, to help clarify the meaning of the Claims and to conform them to the form of the new claims.

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In view of the above-mentioned corrections, Applicant respectfully submits that the specification and the Claims 1-28 based thereon are now in condition for allowance pursuant to 35 U.S.C. § 112. In view of the Examiner's statement that Claims 1-28 would be allowable if the specification is rewritten or amended to overcome the rejection under 35 U.S.C. § 112, the Applicant respectfully submits that Claims 1-28, as amended, should be allowed.

New Claims 29-68 have also been added to fully claim the subject matter of Applicant's invention. These new claims have also been carefully drafted to patently defined over the prior art made of record and represent the same embodiments encompassed by Claims 1-28. Applicant, therefore, respectfully submits that the new claims are also in condition for allowance.

As requested by the Examiner, a claim chart is provided below. This chart should allow the Examiner to cross reference the subject matter of the claims to the subject matter disclosed by the specification in the application, as depicted in representative Figures. Note that reference is made to the previous Figure members, rather than the new numbers set forth in the substitute specification. It should be pointed out that this is a general cross-reference only submitted at the request and for the convenience of the Examiner. It should in no way be construed as a limitation or interpretation of the claims listed.

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CLAIM CHART

<u>Claim Nos.</u>	<u>Previous Figure Nos.</u>
1-10	16-20
11-19	21; 23
20-23	27-29
24-25	11-15; 24-26
25	25-26
26-28	16-20
29-31	11-15
32-45	11-15; 25-26
46	16-20
47-48	21-24
49-50	16-20
51-55	25-26
56-61	27-29
62	30
63	29
64-67	25-26
68	27-29

Applicant also respectfully submits that no restriction requirement is appropriate in these circumstances as the Examiner has already allowed, subject to the corrections in the specification, Claims 1-28 which are drawn to the same embodiments that are being claimed in new Claims 29-68. In addition, all of

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the new claims are directed toward embodiments of the water ride facility described in the application, which pertain to the same shallow flow water ride technology described in the allowed claims.

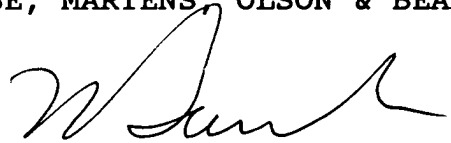
For the foregoing reasons, Applicant respectfully submits that the rejection in the outstanding Office Action, in view of the substitute specification, is inapplicable to the present claims. Applicant respectfully submits that the claimed invention is neither disclosed by nor rendered obvious by the prior art of record and that they be allowed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR

Dated: 13 Jan 92

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